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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER LEE, PHILIP C	
			ART UNIT 2152	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

09/684,063

Applicant(s)

NOMA, TSUNETAKE

Examiner

PHILIP C. LEE

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the amendment and remarks filed on May 6, 2008.
2. Claims 1-2, 4-13 and 15-18 are presented for examination.

Objection

3. Claims 1-2, 5-7, 11 and 15-17 are objected to because of the following informalities:
claim 1, line 39, "the said" [i.e., *the* should be deleted]; Claim 5, line 22, "belonging to participating"; Claim 6 (line 36), 8 (lines 32-33), "the list" should be "the list of all of the information processing apparatuses currently accessing the shared server participating in said one of the plurality of chat rooms"; Claim 15, line 31, "in participating in" [i.e., *in* should be deleted]; Line 34, "belonging to the same group" should be deleted.

Claim Rejections – 35 USC 112

4. Claims 1, 2, 4, 5, 8-10 and 15-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not disclose "*simultaneously transmitting to all of the*

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plurality of information processing apparatuses...a list of all of the information processing apparatuses currently accessing the service providing apparatus... and text messages" as claimed in claim 1; Claims 4, 5, 8, 9 and 15 also claim similar feature not disclose in the specification. The specification merely teach transmitting to all of the plurality of information processing apparatuses... a list of all of the information processing apparatuses currently accessing the service providing apparatus... and text messages, but not *simultaneously* transmitting to all of the plurality of information processing apparatuses... a list of all of the information processing apparatuses currently accessing the service providing apparatus... and text messages.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 6-13 and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim language in the following claims is not clearly understood:

- i. As per claims 6 (line 6), 8 (line 6), 9 (line 6), 12 (lines 4, 7, 14, 19, 22, 24 and 28), 15 (lines 5, 6, 8, 11, 18, 22 and 33) and 18 (lines 4, 6, 11, 13), the scope and metes and bounds are indefinite. Since the phrase "configured to" is an intended use, and not a requirement that it is performed, therefore it renders limitations after phrase "configured to" moot.

Claim Rejections – 35 USC 101

7. Claims 1, 6, 12, 15 and 18 are rejected under 35 U.S.C. 101 because “Apparatus” comprising: means or units (i.e., considered as software) does not include any functional structure of an apparatus (i.e., hardware structure of an apparatus). An apparatus comprising software is considered as program per se, which is not one of the categories of statutory subject matter.

Claim Rejections – 35 USC 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Simonoff, U.S. Patent 7,043,529 (hereinafter Simonoff).

11. As per claim 18, Simonoff teaches the invention as claimed providing a service (100, fig. 3) to a plurality of information processing apparatuses (300, fig. 3) via a network (400 fig. 3), said service providing apparatus (100,fig. 3) comprising:

(a) a provision unit configured to provide a plurality of information processing apparatuses with a chat room (col. 21, lines 19-26)(server 100 provides clients 300 with white board which includes chat room);

(b) a reception unit configured:

- (i) to receive text messages from any of the plurality of information processing apparatuses in the chat room (col. 23, lines 60-63; col. 24, line 65-col. 25, line 2) (server receive chat messages from clients) and
- (ii) receive a content request transmitted from any of the plurality of information processing apparatuses in the chat room (col. 24, lines 53-56; col. 24, line 65-col. 25, line 2) (server receive command to relay the content (e.g., drawn object) from the client);

(c) an acquisition unit configured to acquire the requested content in response to reception of the content request (col. 14, lines 3—32; col. 23, line 60-col. 24, line 8) (obtaining the uploaded content (e.g., drawn object)); and

(d) a transmission unit configured:

- (i) to transmit the received text messages to all of the plurality of information processing apparatuses in the chat room (col. 23, lines 60-64; col. 24, line 65-col. 25, line 2)(server relays chat messages to users) and
- (ii) to transmit, when the reception unit receives the content request, the acquired content to all of the plurality of information processing apparatuses in the chat room (col. 20, lines 42-49; col. 24, lines 18-27; col. 24, line 65-col. 25, line 2) (server relays the drawn object to chatting users).

Claim Rejections – 35 USC 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 1, 4-6, 8-9, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simonoff in view of Morris et al, U.S. Patent Application Publication 2002/0052919 (hereinafter Morris).

14. As per claim 1, Simonoff teaches the invention substantially as claimed for providing a service (100, fig. 3) to a plurality of information processing apparatuses (300, fig. 3) via a network (400, fig. 3), said service providing apparatus (100,fig. 3) comprising:

(a) storing means for storing a plurality of chat rooms (server 100 storing web pages containing the white boards) (col. 21, lines 19-26), a list of available content (e.g., list of files), and content (files, e.g., object) (col. 14, lines 30-32; col. 24, lines 7-8; col. 34, lines 49-51);

(b) receiving means:

(ii) for receiving content requests transmitted from any of the plurality of information processing apparatuses participating in said one of the plurality of chat rooms, the content request including a selection from the list of available content (col. 22, lines 53-56) (server receive command to relay the content (e.g., drawn object) from the client), and

(iii) for receiving text messages transmitted from any of the plurality of information processing apparatuses currently participating in said one of the plurality of chat rooms (col. 23, lines 60-63; col. 24, line 65-col. 25, line 2) (server receive chat messages form clients);

(c) acquiring means for acquiring the content requested by the content requests (col. 14, lines 30-32; col. 23, line 60-col. 24, line 8) (obtaining the upload file (e.g., drawn object));

(d) transmitting means for simultaneously transmitting to all of the plurality of information processing apparatuses currently participating in said one of the plurality of chat rooms (col. 24, lines 22-27; col. 31, lines 35-37) (server sends to the clients at the same time):

(i) the content acquired by said acquiring means (col. 20, lines 42-49; col. 24, lines 18-27; col. 24, line 65-col. 25, line 2) (relay drawn objects to users at the same time);

(ii) a list of all of the information processing apparatuses currently accessing the service providing apparatus (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server); and

(iii) said text messages received by said receiving means (col. 23, lines 60-64; col. 24, line 65-col. 25, line 2) (chat messages relayed to the users).

15. Simonoff does not specifically teach receiving participation requests. Morris teaches for receiving participation requests transmitted from any of a plurality of information processing apparatuses to include a corresponding one of the plurality of information processing apparatuses in one of said plurality of chat rooms ([0006] and [0008]) (server 100 receives input of user clicking on SETUP button); and a list of all of the information processing apparatuses currently accessing the service providing apparatus and participating in the said one of the plurality of chat rooms (figs. 1 and 2; [0007]).

16. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff and Morris because Morris's teaching of participation requests would allow users in Simonoff's system to invite other users to participants in a chat room without fear that uninvited user will be able to see their comments ([0008]).

17. As per claim 4, Simonoff teaches the invention substantially as claimed for providing a service (100, fig. 3) to a plurality of information processing apparatuses (300, fig. 3) via a network (400, fig. 3), said service providing method comprising:

(a) a storage step of storing a plurality of chat rooms (server 100 storing web pages containing the white boards) (col. 21, lines 19-26), a list of available content (e.g., list of files), and content in a service providing apparatus (files, e.g., drawn object) (col. 14, lines 30-32; col. 24, lines 7-8; col. 34, lines 49-51);

(c) a second reception step of receiving in the service providing apparatus a content request transmitted from any of the information processing apparatuses belonging to said one of the plurality of chat rooms, the content request including a selection from the list of available content (col. 22, lines 53-56) (server receive command to relay the content (e.g., drawn object) from the client);

(d) a third reception step of receiving text messages transmitted from any of the information processing apparatuses currently participating in said one of the plurality of chat rooms (col. 23, lines 60-63; col. 24, line 65-col. 25, line 2) (server receive chat messages from clients);

(e) an acquisition step of acquiring in the service providing apparatus the content requested by the content request (col. 14, lines 30-32; col. 23, line 60-col. 24, line 8) (obtaining the upload file (e.g., object));

(f) a communication step of transmitting from the service providing apparatus the content acquired by the acquisition step simultaneously to all of the information processing apparatuses currently accessing the service providing apparatus and participating in said one of the plurality

of chat rooms (col. 20, lines 42-49; col. 24, lines 18-27; col. 24, line 65-col. 25, line 2; col. 31, lines 35-37) (relay objects to users at the same time); and

g) a transmission step of transmitting the content acquired in said acquisition step (col. 20, lines 42-49; col. 24, lines 18-27; col. 24, line 65-col. 25, line 2) (relay objects to users at the same time), a list of all of the information processing apparatuses currently accessing the service providing apparatus (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server), and the text messages to each of the information processing apparatuses in said one of the plurality of chat rooms (col. 23, lines 60-64; col. 24, line 65-col. 25, line 2) (chat messages relayed to the users).

18. Simonoff does not specifically teach receiving participation requests. Morris teaches receiving in the service providing apparatus a participation request to include one of a plurality of information processing apparatuses in one of said plurality of chat rooms ([0006] and [0008]) (server 100 receives input of user clicking on SETUP button); and a list of all of the information processing apparatuses currently accessing the service providing apparatus and participating in said one of the plurality of chat rooms (figs. 1 and 2; [0007]).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff and Morris because Morris's teaching of participation requests would allow users in Simonoff's system to invite other users to participants in a chat room without fear that uninvited user will be able to see their comments ([0008]).

20. As per claim 5, Simonoff teaches the invention substantially as claimed for providing a service (100, fig. 3) to a plurality of information processing apparatuses (300, fig. 3) via a network (400, fig. 3), comprising:

- (a) a storage step of storing a plurality of chat rooms (server 100 storing web pages containing the white boards) (col. 21, lines 19-26), a list of available content (e.g., list of files), and content (files, e.g., object) (col. 14, lines 30-32; col. 24, lines 7-8; col. 34, lines 49-51);
- (c) a second reception step of receiving a content request transmitted from any of the information processing apparatuses participating in said one of the plurality of chat rooms, the content request including a selection from the list of available content (col. 22, lines 53-56) (server receive command to relay the content (e.g., object) from the client);
- (d) a third reception step of receiving text messages transmitted from any of the information processing apparatuses currently participating in said one of the plurality of chat rooms (col. 23, lines 60-63; col. 24, line 65-col. 25, line 2) (server receive chat messages form clients);
- (e) an acquisition step of acquiring the content requested by the content request (col. 14, lines 30-32; col. 23, line 60-col. 24, line 8) (obtaining the upload file (e.g., object));
- (f) a communication step of transmitting the content acquired by the acquisition step simultaneously to all of the information processing apparatuses currently accessing the shared server and belonging to participating in said one of the plurality of chat rooms (col. 20, lines 42-49; col. 24, lines 18-27; col. 24, line 65-col. 25, line 2; col. 31, lines 35-37) (relay objects to users at the same time); and

g) a transmission step of simultaneously transmitting the content acquired in said acquisition step (col. 20, lines 42-49; col. 24, lines 18-27; col. 24, line 65-col. 25, line 2) (relay objects to users at the same time), transmitting a list of all of the information processing apparatuses currently accessing the shared server (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server), and the text messages to each of the information processing apparatuses currently accessing said one of the plurality of chat rooms (col. 23, lines 60-64; col. 24, line 65-col. 25, line 2) (chat messages relayed to the users).

21. Simonoff does not specifically teach receiving participation requests. Morris teaches receiving in a shared server a participation request transmitted from any of the plurality of information processing apparatuses to include one of a plurality of information processing apparatuses in one of said plurality of chat rooms ([0006] and [0008]) (server 100 receives input of user clicking on SETUP button); and a list of all of the information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms (figs. 1 and 2; [0007]).

22. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff and Morris because Morris's teaching of participation requests would allow users in Simonoff's system to invite other users to participants in a chat room without fear that uninvited user will be able to see their comments ([0008]).

23. As per claim 6, Simonoff teaches the invention substantially as claimed for accessing a service providing apparatus functioning as shared server, which provides services on a network (300 accessing 100, which provides service on 400 of figs. 2 and 3), together with other information processing apparatuses (300, figs. 2 and 3), said information processing apparatus comprising:

(a) inputting means for inputting access information into a single window of a media player configured to access a shared server to select and participate in one of a plurality of chat rooms (col. 23, lines 43-50) (inputting login username and password);

(b) display control means for controlling display of a list of available content transmitted from the shared server in the single window of the media player (col. 14, lines 14-27; col. 19, lines 8-26) (figure 4 displays a list transmitted with the client applet);

(c) selecting means for selecting content from the list of available content in the single window of the media player (col. 22, lines 11-14) and requesting the shared server to transmit the selected content to an information processing apparatus participating in said one of the plurality of chat rooms and all of the other information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms by activating a command in the single window of the media player (col. 23, lines 60-64; col. 24, line 65-col. 25, line 2);

(d) receiving means:

(i) for receiving the selected content transmitted from the shared server simultaneously to all of the information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms (col. 31, line 66-

col. 32, line 2; col. 24, lines 24-27; col. 24, line 65-col. 25, line 2) (users receives the relay objects transmitted at the same time from the server);

(ii) for receiving a list of all of the information processing apparatuses currently accessing the shared server (col. 23, lines 53-56) (user receiving the list of user accessing the server); and

(iii) for receiving text messages transmitted from the shared server to all of the information processing apparatuses currently accessing the service providing apparatus and participating in said one of the plurality of chat rooms (col. 23, lines 60-63; col. 24, line 65-col. 25, line 2) (user receives the chat messages relayed from the server)

(e) displaying means for displaying the list of all of the information processing apparatuses currently accessing the shared server (col. 23, lines 53-56); and

(f) reproduction controlling means for reproducing the received content (col. 23, lines 60-66; col. 24, line 65-col. 25, line 2), the list (col. 23, lines 55-56), and the text messages (col. 20, lines 42-49).

24. Simonoff does not specifically teach receiving a list of all of information processing apparatuses participating in said one of the plurality of chat rooms. Morris teaches a list of all of the information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms (figs. 1 and 2; [0007]).

25. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff and Morris because Morris's teaching

of a list of all of the information processing apparatuses currently accessing the shared server and participating in said one of the chat rooms would allow users in Simonoff's system to identify other users that are participating in a chat room ([0008]).

26. As per claim 8, Simonoff teaches the invention substantially as claimed for accessing a service providing apparatus functioning as shared server, which provides services on a network (300 accessing 100, which provides service on 400 of figs. 2 and 3), together with other information processing apparatuses (300, figs. 2 and 3), comprising:

(a) inputting step of inputting access information into a single window of a media player configured to access a single shared server to select and participate in one of a plurality of chat rooms (col. 23, lines 43-50) (inputting login username and password into a window of a white board client);

(b) display controlling step of controlling display of a list of available content transmitted from the single shared server in the single window of the media player (col. 14, lines 14-27; col. 19, lines 8-26) (figure 4 displays a list transmitted with the client applet);

(c) selecting step of selecting content from the list of available content in the single window of the media player (col. 22, lines 11-14) and requesting the single shared server to transmit the selected content to all of the information processing apparatus currently accessing the single shared server and participating in said one of the plurality of chat rooms (col. 23, lines 60-64; col. 24, line 65-col. 25, line 2);

(d) a transmission step of transmitting a list of all of the information processing apparatuses currently accessing the single shared server to each of the information processing

apparatuses (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server);

(e) a receiving step of receiving content, text messages, and a list of all of the information processing apparatuses currently accessing the single shared server transmitted from the single shared server to all of the information processing apparatuses-currently participating in said one of the plurality of chat rooms (col. 31, line 66-col. 32, line 2; col. 23, lines 53-63; col. 24, lines 24-27; col. 24, line 65-col. 25, line 2) (users receives the relay objects, chat messages, and list of users transmitted from the server),

(f) a display step of displaying the list of all of the information processing apparatuses currently accessing the single shared server (col. 23, lines 53-56); and

g) a reproduction step of reproducing the content (col. 23, lines 60-66; col. 24, line 65-col. 25, line 2), the text messages (col. 20, lines 42-49), and the list (col. 23, lines 55-56).

27. Simonoff does not specifically teach receiving a list of all of information processing apparatuses belonging to said one of the plurality of chat rooms. Morris teaches a list of all of the information processing apparatuses currently accessing the shared server and belonging to said one of the plurality of chat rooms (figs. 1 and 2; [0007]).

28. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff and Morris because Morris's teaching of a list of all of the information processing apparatuses currently accessing the shared server and

belonging to said one of the chat rooms would allow users in Simonoff's system to identify other users that are participating in a chat room ([0008]).

29. As per claim 9, Simonoff teaches the invention substantially as claimed for accessing a service providing apparatus functioning as shared server, which provides services on a network (300 accessing 100, which provides service on 400 of figs. 2 and 3), together with other information processing apparatuses (300, figs. 2 and 3), comprising:

(a) an inputting step of inputting access information into a single window of a media player configured to access a shared server to select and participate in one of a plurality of chat rooms (col. 23, lines 43-50) (inputting login username and password);

(b) a display controlling step of controlling display of a list of available content transmitted from the shared server in the single window of the media player (col. 14, lines 14-27; col. 19, lines 8-26) (figure 4 displays a list transmitted with the client applet);

(c) a selecting step of selecting content from the list of available content in the single window of the media player (col. 22, lines 11-14) and requesting the shared server to transmit the selected content to an information processing apparatus currently participating in said one of the plurality of chat rooms and all of the other information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms by activating a command in the single window of the media player (col. 23, lines 60-64; col. 24, line 65-col. 25, line 2);

(d) a transmission step of transmitting a list of all of the information processing apparatuses currently accessing the shared server to each of the information processing

apparatuses currently participating in said one of the plurality of chat rooms (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server);

(e) a receiving step of receiving:

(i) the selected content transmitted from the shared server to all of the information processing apparatuses currently participating in said one of the plurality of chat rooms (col. 31, line 66-col. 32, line 2; col. 24, lines 24-27; col. 24, line 65-col. 25, line 2) (users receives the relay objects transmitted at the same time from the server);

(ii) a list of all of the information processing apparatuses currently accessing the shared server (col. 23, lines 53-56) (user receiving the list of user accessing the server);
and

(iii) text messages sent from any of the information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms (col. 23, lines 60-63; col. 24, line 65-col. 25, line 2) (user receives the chat messages relayed from the server)

(f) a display step of displaying the list of all of the information processing apparatuses currently accessing the shared server (col. 23, lines 53-56); and

(g) reproduction controlling means for reproducing the content (col. 23, lines 60-66; col. 24, line 65-col. 25, line 2) and the text messages (col. 20, lines 42-49).

30. Simonoff does not specifically teach receiving a list of all of information processing apparatuses currently participating in said one of the plurality of chat rooms. Morris teaches a

list of all of the information processing apparatuses currently accessing the shared server and currently participating in said one of the plurality of chat rooms (figs. 1 and 2; [0007]).

31. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff and Morris because Morris's teaching of a list of all of the information processing apparatuses currently accessing the shared server and currently participating in said one of the chat rooms would allow users in Simonoff's system to identify other users that are participating in a chat room ([0008]).

32. As per claim 12, Simonoff teaches the invention substantially as claimed for providing a service (100, fig. 3) to a plurality of information processing apparatuses (300, fig. 3), the service providing apparatus functioning as a shared server on a network (400, fig. 3), said service providing apparatus (100,fig. 3) comprising:

(a) a storage unit configured to store a plurality of chat rooms (server 100 storing web pages containing the white boards) (col. 21, lines 19-26), a list of available content (e.g., list of files), and content (files, e.g., object) (col. 14, lines 30-32; col. 24, lines 7-8; col. 34, lines 49-51);

(b) a receiving unit:

(ii) configured to receive content requests transmitted from any of the information processing apparatuses participating in one of said plurality of chat rooms, the content requests including a selection from the list of available content (col. 22, lines 53-56) (server receive command to relay the content (e.g., object) from the client); and

- (iii) configured to receive text messages transmitted from any of the information processing apparatuses participating in said one of the plurality of chat rooms (col. 23, lines 60-63; col. 24, line 65-col. 25, line 2) (server receive chat messages from clients);
- (c) an acquisition unit configured to acquire the content requested by the content requests (col. 14, lines 30-32; col. 23, line 60-col. 24, line 8) (obtaining the upload file (e.g., object));
- (d) a communication unit configured to transmit the content acquired by said acquisition unit and the text messages to all of the information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms (col. 20, lines 42-49; col. 23, lines 60-64; col. 24, lines 18-27; col. 24, line 65-col. 25, line 2; col. 31, lines 35-37) (relay objects and chat messages to users); and
- (e) a transmitter configured to transmit:
 - (i) a list of all of the information processing apparatuses currently accessing the shared server to each of the information processing apparatuses in said one of the plurality of chat rooms (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server);
 - (ii) the content acquired by the acquisition unit (col. 20, lines 42-49; col. 24, lines 18-27; col. 24, line 65-col. 25, line 2) (relay objects to users at the same time); and
 - (iii) the text messages received by the receiving unit (col. 23, lines 60-64; col. 24, line 65-col. 25, line 2) (chat messages relayed to the users).

33. Simonoff does not specifically teach receiving participation requests. Morris teaches receiving participation requests to include a corresponding one of a plurality of information processing apparatuses in one of the plurality of chat rooms, the participation requests

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transmitted from any of a plurality of information processing apparatuses participating in said one of said plurality of chat rooms ([0006] and [0008]) (server 100 receives input of user clicking on SETUP button), and a list of all of the information processing apparatuses currently accessing the shared server and participating in said one of the of chat rooms (figs. 1 and 2; [0007]).

34. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff and Morris because Morris's teaching of participation requests would allow users in Simonoff's system to invite other users to participants in a chat room without fear that uninvited user will be able to see their comments ([0008]).

35. As per claim 15, Simonoff teaches the invention substantially as claimed for accessing a service providing apparatus functioning as shared server, which provides services on a network (300 accessing 100, which provides service on 400 of figs. 2 and 3), together with other information processing apparatuses (300, figs. 2 and 3), comprising:

(a) an input unit configured to input access information into a single window of a media player configured to access a shared server to select and participate in one of a plurality of chat rooms (col. 23, lines 43-50) (inputting login username and password);

(b) a display control unit configured to control display of a list of available content transmitted from the shared server in the single window of the media player (col. 14, lines 14-27; col. 19, lines 8-26) (figure 4 displays a list transmitted with the client applet);

(c) a selecting unit configured to select content from the list of available content in the single window of the media player (col. 22, lines 11-14) and to request the shared server to transmit the selected content to an information processing apparatus participating in said one of the plurality of chat rooms and all of the other information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms by activating a command in the single window of the media player (col. 23, lines 60-64; col. 24, line 65-col. 25, line 2);

(d) a transmitting unit configured to transmit a list of all of the information processing apparatuses currently accessing the shared server to each of the information processing apparatuses in said one of the plurality of chat rooms (col. 19, line 64-col. 20, line 1; col. 23, lines 49-56) (list of user accessing the server);

(e) a reception unit configured to receive:

(i) content transmitted from the shared server to all of the information processing apparatuses participating in said one of the plurality of chat rooms (col. 31, line 66-col. 32, line 2; col. 24, lines 24-27; col. 24, line 65-col. 25, line 2) (users receives the relay objects transmitted at the same time from the server);

(ii) a list of all of the information processing apparatuses currently accessing the shared server (col. 23, lines 53-56) (user receiving the list of user accessing the server);
and

(iii) text messages to each of the information processing apparatuses in participating in said one of the plurality of chat rooms (col. 23, lines 60-63; col. 24, line 65-col. 25, line 2) (user receives the chat messages relayed from the server)

(f) a display configured to display the list of all of the information processing apparatuses currently accessing the shared server (col. 23, lines 53-56); and

(f) reproduction control unit configured to reproduce the content (col. 23, lines 60-66; col. 24, line 65-col. 25, line 2), the list (col. 23, lines 55-56) and the text messages (col. 20, lines 42-49).

36. Simonoff does not specifically teach receiving a list of all of information processing apparatuses participating in said one of the plurality of chat rooms. Morris teaches a list of all of the information processing apparatuses currently accessing the shared server and participating in said one of the plurality of chat rooms (figs. 1 and 2; [0007]).

37. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff and Morris because Morris's teaching of a list of all of the information processing apparatuses currently accessing the shared server and participating in said one of the chat rooms would allow users in Simonoff's system to identify other users that are participating in a chat room ([0008]).

38. Claims 2, 7, 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simonoff and Morris in view of Johnson et al, U.S. Patent 7,143,177 (hereinafter Johnson).

39. As per claims 2 and 13, Simonoff and Morris teach the invention substantially as claimed as claims 1 and 12 above. Simonoff and Morris do not specifically teach the content is music.

Johnson teaches wherein:

(a) the content requested by the content requests is music (col. 5, lines 32-41; col. 29, lines 58-61; col. 30, lines 20-26) and

(b) the selection is particular music data (col. 20, lines 50-53; col. 21, lines 24-36).

40. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff, Morris and Johnson because Johnson's teaching of the content selected is music would allow users in Simonoff's and Morris's systems to share multimedia such as music with other users.

41. As per claim 7, Simonoff and Morris teach the invention substantially as claimed as claim 6 above. Although Simonoff teaches the list of available content is a table listing available data provided from the service providing apparatus (col. 14, lines 30-32; col. 24, lines 7-8; col. 34, lines 49-51), however, Simonoff and Morris do not specifically teaches the content is music.

Johnson teaches wherein:

music data provided from the service providing apparatus (col. 5, lines 32-41; col. 29, lines 58-61; col. 30, lines 20-26) and the music data corresponds to the selected content (col. 5, lines 32-41; col. 29, lines 58-61; col. 30, lines 20-26).

42. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff, Morris and Johnson because Johnson's teaching of the content selected is music would allow users in Simonoff's and Morris's systems to share multimedia such as music with other users.

43. As per claim 16, Simonoff and Morris teach the invention substantially as claimed as claim 15 above. Although Simonoff teaches the list of available content is a table listing available data provided from the shared server (col. 14, lines 30-32; col. 24, lines 7-8; col. 34, lines 49-51), however, Simonoff and Morris do not specifically teaches the content is music. Johnson teaches wherein:

music data provided from the shared server (col. 5, lines 32-41; col. 29, lines 58-61; col. 30, lines 20-26) and the music data corresponds to the selected content (col. 5, lines 32-41; col. 29, lines 58-61; col. 30, lines 20-26).

44. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Simonoff, Morris and Johnson because Johnson's teaching of the content selected is music would allow users in Simonoff's and Morris's systems to share multimedia such as music with other users.

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45. Claims 10-11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simonoff and Morris in view of Erdelyi, U.S. Patent Application Publication 2004/0056879 (hereinafter Erdelyi).

46. As per claims 10-11 and 17, Simonoff and Morris teach the invention substantially as claimed in claims 6, 9 and 15 above. Simonoff and Morris do not teach activating a play button. Erdelyi teaches activating a command by activating a play button in the single window of the media player (page 5, paragraphs 80 and 81).

47. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teaching of Simonoff, Morris and Erdelyi because Erdelyi's teaching of a single window of a media player would enhance and make it easier for users in Simonoff's and Morris's systems to input and to select information/contents utilizing the graphical interface.

48. Applicant's arguments with respect to claims 1-2, 4-13 and 15-18, filed on 5/6/08 have been considered but are moot in view of the new ground(s) of rejection.

49. In the remark, applicant argued that:

- (1) The rejection under the first paragraph of 35 USC 112 should be withdrawn.

(2) The claims rejected under second paragraph of 35 USC 112 are clear.

(3) The amended claims include sufficient functional structure of the apparatuses.

50. In response to point (1), the claim amendment filed on 5/6/08 is still rejected under first paragraph of 35 USC 112. Specifically, claim 1 recites: *simultaneously transmitting to all of the plurality of information processing apparatuses...a list of all of the information processing apparatuses currently accessing the service providing apparatus... and text messages*. This is interpreted as transmitting the list and text messages to each of the plurality of information processing apparatuses at the same time. The specification merely disclose transmitting the list to each plurality of information processing apparatuses and transmitting the text messages to each of the plurality of information processing apparatuses. However, the specification does not disclose transmitting the list to each of the plurality of information processing apparatuses *at the same time*. Furthermore, the specification does not disclose transmitting the text messages to each of the plurality of information processing apparatuses *at the same time*.

51. In response to point (2), as stated above, the scope and metes and bounds are indefinite because the phrase "configured to" is an intended use, and not a requirement that it is performed, therefore it renders limitations after phrase "configured to" moot. The examiner suggests deleting the term "configured" to overcome the rejection under second paragraph of 35 USC 112.

52. In response to point (3), on page 17 of the remarks filed on 5/6/08, applicant states: "... the amended claims include sufficient functional structure of the apparatuses". Although apparatuses may corresponds to "structure", however, it is not automatically and inherent limited to hardware-inclusive embodiments. Accordingly, the rejections are maintained. Examiner suggests amending the claims rejected under 35 USC 101 to include hardware structure such as "a memory".

53. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this

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application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Patent Examiner, Art Unit 2152